

## SUBCHAPTER G—[RESERVED] SUBCHAPTER H—EMERGENCY REGULATIONS

### PART 375—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Sec.

375.1 Purpose.

375.2 National emergency and effective date.

375.3 Policy.

375.4 Mailing instructions.

375.5 Organization and functions of the Board, delegations of authority, and lines of succession.

375.6 Personnel, fiscal, and service functions.

375.7 Operating regulations.

375.8 Regulations for employers.

AUTHORITY: Sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j and sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362.

SOURCE: 29 FR 15864, Nov. 26, 1964, unless otherwise noted. Redesignated at 29 FR 16322, Dec. 5, 1964, and further redesignated at 45 FR 28314, Apr. 29, 1980.

#### § 375.1 Purpose.

(a) The Railroad Retirement Board has adopted a plan to provide basic organization and methods of operation which may be needed to continue the uninterrupted payment of retirement, survivor, unemployment, and sickness benefits and the continuation of employment service under the Railroad Retirement Act (45 U.S.C. ch. 9) and the Railroad Unemployment Insurance Act (45 U.S.C. ch. 11) during a period of national emergency as defined in § 375.2.

(b) The plan is published to inform all interested persons of the circumstances and ways in which the Board will organize and operate in a national emergency.

#### § 375.2 National emergency and effective date.

A period of national emergency shall be deemed to exist and the provisions of this part shall become effective only (a) after an attack upon the United States, or at a time specified by the authority of the President after such attack, and (b) by order of the chairman of the Board or his successor as set forth in § 375.5, or when it is no longer

possible to communicate with such official at his designated station.

#### § 375.3 Policy.

To the greatest extent possible, payment of benefits shall be made and employment service functions shall be carried on through the period of a national emergency in strict conformance with the pertinent provisions of the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the regulations promulgated by the Board to administer those acts. Where the character of the national emergency is such as to prevent this, the stand-by regulations contained in this part shall obtain. It will be expected, however, that every effort shall be made to return to normal operating practices as quickly as possible thereafter.

#### § 375.4 Mailing instructions.

In a national emergency as defined in § 375.2, all mail shall be directed to Board offices at their normal locations.

[40 FR 52844, Nov. 13, 1975]

#### § 375.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(a) During a national emergency as defined in § 375.2, the respective functions and responsibilities of the Board, the bureaus and offices, and the regional and district offices shall be to the extent possible as set forth in the U.S. Government Organization Manual; where not possible such functions and responsibilities may be exercised without regard to any existing policy or procedure of the Board.

(b) The following delegation of authority is made to provide continuity of that organization in the event of a national emergency:

(1) The chairman of the Board shall act with full administrative authority for the Board.

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board

## § 375.6

## 20 CFR Ch. II (4-1-97 Edition)

shall pass to the available successor highest on the following list:

Labor Member of the Board.  
Management Member of the Board.  
Chief Executive Officer.  
Director of Retirement Claims.  
Director of Research.  
Director of Unemployment and Sickness Insurance.  
Director of Data Processing and Accounts.  
Director of Budget and Fiscal Operations.  
Director of Management Control.  
The Regional Director highest on the following list: Kansas City, Cleveland, Atlanta, New York, and San Francisco.

(3) Except as may be determined otherwise by the Chairman of the Board or his successor and as provided in §§ 375.6 and 375.7, the duties of each bureau head or regional director shall be discharged in his absence or incapacity during a national emergency by the available staff member next in line of succession. Each bureau head and each regional director shall designate and preposition the line of succession within his bureau or region. If no such designation has been made, such duties shall be assumed by the available subordinate who is highest in grade or, if there is more than one, in length of Board service.

(4) Emergency responsibility and authority under this section, once assumed, shall be relinquished on direction of the duly constituted higher authority acting under the provisions of paragraph (b)(2) of this section.

[Board Order 68-135, 29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 71-26, 36 FR 4980, Mar. 16, 1971; Board Order 75-52, 40 FR 26673, June 25, 1975; 40 FR 52844, Nov. 13, 1975]

### § 375.6 Personnel, fiscal, and service functions.

(a) *Personnel.* In a national emergency as defined in § 375.2, when it is no longer possible for a regional director, or the manager of the Seattle district office, to communicate with the chairman of the Board or his successor as set forth in § 375.5, complete responsibility and authority for administration of the personnel function are delegated to such regional director, or the Seattle district manager, for his respective OCD-OEP geographic area.

(b) *Fiscal.* (1) In a national emergency as defined in § 375.2, the chairman of

the Board or his successor as set forth in § 375.5 shall designate an individual to assume the responsibilities of the Director of Budget and Fiscal Operations in the event the Director or the Assistant Director is unable to assume those responsibilities.

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

Chief Executive Officer  
Director of Budget and Fiscal Operations  
Director of Retirement Claims  
Director of Unemployment and Sickness Insurance  
Regional Directors, or  
Deputy Regional Directors.

(i) The emergency certifying officers shall be empowered to certify:

(a) Benefit payments under the Railroad Retirement Act.

(b) Benefit payments under the Railroad Unemployment Insurance Act.

(c) Administrative expenses of the Railroad Retirement Board.

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (a) normal channels for certifying payments have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 375.5(b)(1) and (2) and under such instructions and conditions as he may prescribe.

(c) *Supply and service.* (1) In a national emergency as defined in § 375.2, complete responsibility and authority for the procurement of needed supplies, equipment, space, communications, transportation (automobiles only), and repair services are delegated to each regional director and to the manager of the Seattle district office for their respective OCD-OEP geographic areas.

(2) Federal sources of supply and service, if available, shall be used.

(3) Any supplies, equipment, space, or services provided under this emergency delegation shall be documented to show what was provided, the amount procured, the cost thereof, and the source from which procured.

(4) As soon after the period of national emergency as conditions permit, the records required by paragraph (c)(3) of this section shall be transmitted to

## Railroad Retirement Board

## § 375.8

the Director of Supply and Service or his surviving successor.

[29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 67-29, 32 FR 3975, Mar. 11, 1967; 34 FR 12490, July 31, 1969; Board Order 75-52, 40 FR 26674, June 25, 1975; 40 FR 52844, Nov. 13, 1975]

### § 375.7 Operating regulations.

(a) *Retirement claims.* (1) In a national emergency as defined in § 375.2, applications for and development and certification of claims for retirement, disability, and survivor benefits shall be to the extent possible, as set forth in subchapter B of this chapter, except that:

(i) Standards of evidence may be relaxed although legal requirements for entitlement to payments shall remain unchanged; in determining relationships, employment, birth, death, etc., consideration shall be given to whatever information is in the possession of applicants and beneficiaries or the Board office adjudicating a claim.

(ii) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(iii) In a national emergency, that is when the headquarters office is inoperative, the development and certification of claims shall be assumed by the regional offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph (a), those authorities which have been delegated to the Director of Retirement Claims are hereby delegated to the regional directors or their surviving successors.

(b) *Unemployment and sickness claims.*

(1) In a national emergency as defined in § 375.2, receipt, adjudication, and certification of claims for unemployment and sickness benefits shall be to the extent possible as set forth in subchapter C of this chapter, except that:

(i) Where the Board's wage records have been destroyed or are otherwise unavailable, the wage-record evidence in the possession of the claimant, or the employer's wage records will be acceptable in determining qualifications for benefits.

(ii) In the event normal record sources such as claim file folders or magnetic tape master records are de-

stroyed or otherwise unavailable, other evidence of previous benefit payments shall be considered in determining the periods for which benefits are currently payable and the amounts.

(iii) In developing sickness benefit claims where medical evidence in the form of a doctor's statement is not available, an affidavit from the claimant or other person having knowledge of his sickness or injury shall be acceptable.

(iv) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(v) Eligibility interviews, investigations, and checking procedures shall be curtailed.

(vi) If claims cannot be submitted to the processing offices in headquarters and in the regions because of the national emergency or if those offices become inoperative, the development and certification of claims shall be assumed by district offices.

(2) To provide the necessary authority for a decentralized program as outlined in paragraph (b) of this section, the authorities which have been delegated to the Director of Unemployment and Sickness Insurance and to the regional directors are hereby delegated to the district managers or to their surviving successors.

(c) *Manpower.* (1) In a national emergency as defined in § 375.2, complete responsibility and authority for administration of the manpower function are delegated to regional directors and district managers who shall be governed by existing Board procedures as set forth in subchapter C of this chapter, except that maximum freedom in the implementation thereof may be exercised.

[29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 75-52, 40 FR 26674, June 25, 1975]

### § 375.8 Regulations for employers.

(a) In a national emergency as defined in § 375.2, employers shall continue to follow to the greatest extent possible the provisions set forth in subchapters A and B of this chapter in registering new employees, in submitting employee and compensation data, in distributing certificates of service and

**§ 375.8**

**20 CFR Ch. II (4–1–97 Edition)**

compensation, in making contributions and contribution reports, in providing information relating to retirement claims, in providing information relating to unemployment and sickness claims, and in maintaining claims office facilities.

(b) Where the national emergency prevents employers from following these provisions in whole or in part, it shall be their responsibility to resume the payment of contributions and other

normal practices as quickly as possible in the post-attack period, to bring contribution accounts up to date, and to supply the Board with wage and service and other required information within the limits of available data withheld during the emergency.

(c) In a national emergency as defined in §375.2, contributions, communications, and other materials are to be mailed as set forth in §375.4.

**SUBCHAPTER I—[RESERVED]**